

1-14-05

RCE JFW

PTO/SB/30 (10-01)

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**REQUEST
FOR****CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Address to:
Commissioner for Patents
BOX RCE
Washington, DC 20231

Application Number

09/548,201

Filing Date

April 13, 2000

First Named Inventor

Michael Voticky

Art Unit

2545

Examiner Name

Ovidio Escalante

Attorney Docket Number

044829.0048

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Three-Month extension of time, Change of Correspondence Address

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other _____

3. **Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 502492
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 02 FC:2801 395.00 0P
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 905.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)

Gregory K. Goshorn

Registration No. (Attorney/Agent)

44,721

Signature

Date

Jan. 13, 05

CERTIFICATE OF EXPRESS MAIL AND FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as EXPRESS MAIL EV 463384957 US, POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)

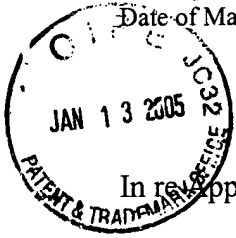
Mary Schnaiter

Signature

Date

1-13-05

Date of Mailing: January 12, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:

MICHAEL VOTICKY
JOE CONNER

Filed: April 13, 2000

Serial No.: 09/548,201

For: COMMUNICATIONS PRIORITIZER

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Confirmation No. 6646

Art Unit: 2645

Examiner: OVIDIO ESCALANTE

Docket No: 044829.0048

REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 13, 2004, Applicants are filing this Response and Request for Continued Examination and respectfully request consideration of the following remarks. Applicants are also filing a Request for a Three-month Extension of Time to extend the deadline for filing to January 13, 2005. The pending claims are included in Attachment A.

REMARKS

Claims 98-118 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by a patent by Scannell et al. (U.S. Patent No. 5,377,354; hereinafter referred to as "Scannell") and under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of other references. Applicants would like to note the current application is a Continuation-in-part of U.S. Patent No. 6,351,764, in which Scannell was cited and traversed. **The following arguments reiterate the arguments that were successfully employed to traverse Scannell in the parent application.**

Claims 98, 99, 106-108, 113 and 114 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by a patent by Scannell. Claims 100, 109 and 115 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of Larson et al. (U.S. Patent No. 6,408,068; hereinafter referred to as "Larson"). Claims 101, 104, 110 and 116 stand rejected